



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,246	03/19/2001	John P. Wong	032885-001	8377

21839 7590 08/24/2004

BURNS DOANE SWECKER & MATHIS L L P  
POST OFFICE BOX 1404  
ALEXANDRIA, VA 22313-1404

EXAMINER

AL HASHEMI, SANA A

ART UNIT PAPER NUMBER

2171

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/810,246

Applicant(s)

WONG, JOHN P.

Examiner

Sana Al-Hashemi

Art Unit

2171

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: 13 and 16.Claim(s) rejected: 1-12, 14 and 15.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

BEST AVAILABLE COPY

SAFET METJAHIC  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

Continuation of 5. does NOT place the application in condition for allowance because: a. Applicant argues that Kramer does not teach mounting components of each of said two physical file systems in a single directory. The Examiner however disagrees. As state above, this limitation can be found in (Col 3, Lines 35-38), i.e. It is still another object of the invention to be able to perform a merge operation of Go or more hierarchies of files and directories that merges content as well as attribute differences in an efficient manner. Due to the broadness of the term "file systems", the Examiner is interpreting it to be as the "directories" and the "components" of theses file systems to be the "files" of the directories. b. Applicant argues that Kramer does not teach multiple file systems. The Examiner however disagrees. Given the interpretation of the "file system" above, Kramer does teach this limitation (Col 3, Lines 39-45). c. Applicant argues that Skiba does not teach two associated pointers that respectively point to application interface data structure of a corresponding component in each of said two physical file system (Col 2, Lines 48-54), i.e. Another technique for creating an expanded volume was the use of a Distributed File System such as Microsoft's DFS. Using DFS software, a logical volume can be created where each subfolder (data structure ) may point to a folder (component) on a different volume (physical file system) on any machine in the network. This approach is very useful for creating logical directory structures independent of volume location d. Applicant argues in regard to Claims 4 and 10, that Skiba does not teach performing said write operation on both copies of said one component in said two physical file systems in real time. The Examiner however disagrees. Skiba discloses this limitation in (Col 15, Lines 43-46), i.e. in the current invention, mirroring means that all modifications in the original file are identically applied to the mirror copy as soon as these modifications are made (real time). In edition, Skiba discloses that the copy of the file (copy of the component) could be located on a different volume on any machine (\*0 physical file system) (Col 2, Lines 48-54), i.e. Another technique for creating an expanded volume was the use of a Distributed File System such as Microsoft's DFS. Using DFS software, a logical volume can be created where each subfolder may point to a folder on a different volume on any machine in the network. This approach is very useful for creating logical directory structures independent of volume location. e. Applicant argues in regard to Claim 5, that Skiba's full file name is for single file system and not for two different physical file systems as claimed in the application. The Examiner however disagrees. As indicated above in responding to the arguments of Claim 4 and 10, the volume (file system) is located on different machines on the network. f. Applicant argues in regard to Claims 1 1-12 and 14-15 that Skiba's does not teach a first and second server. The Examiner however disagrees. (Skiba, Col 2, Lines 48-54), i.e. Another technique for creating an expanded volume was the use of a Distributed File System such as Microsoft's DFS. Using DFS software, a logical volume can be created where each subfolder may point to a folder on a different volume on any machine in the network. This approach is very useful for creating logical directory structures independent of volume location The referring to "any machine in the network" is what the Examiner interpreting that the network does contain more then one machines (server) with more then one physical storage..

BEST AVAILABLE COPY